



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 5116-00  
31 October 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 21 September 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1780  
PERS-604  
21 Sep 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 6 Sep 00  
(b) Title 38, United States Code, Chapter 30  
(c) FY-92 National Defense Authorization Act, Public Law  
101-510

1. The following is provided in response to reference (a):

a. Per reference (b), members who serve less than 36 months of a three-year or longer enlistment must be discharged for one of the following reasons to be eligible for Montgomery GI Bill (MGIB) benefits: Pre-existing medical condition, service connected disability, reduction in force, hardship, certain physical or mental conditions or, for the Convenience of the Government (COG) after serving a minimum of 30 months of active duty.


b. Servicemembers involuntarily separated from active duty are eligible for MGIB Program benefits under the provisions of reference (c). Eligibility is based on the member having served on active duty on 30 September 1990 or on or after 30 November 1993, separating with a qualifying Separation Program Designator (SPD) code on or after 3 February 1991, and receiving an Honorable Discharge. The member can receive one month of MGIB Program benefits for each full month of active duty served.

c. [REDACTED] states "There is no specific discharge for enlisted personnel discharged to attend a service academy." This statement is incorrect. [REDACTED] SPD code "KGU" reflects the separation reason "Enrollment in Service Academy." This is a COG discharge, which means [REDACTED] must have served at least 30 months of active duty to receive MGIB Program benefits. He served 26 months. Although [REDACTED] SPD code is correct and accurately reflects his release from active duty to enter the U.S. Naval Academy, he is requesting a change to reflect "Reduction in Force" (RIF) so he can receive MGIB Program benefits. We can neither recommend approval nor denial of LT Cornett's request to change his SPD code. If the Board

[REDACTED]

approves his request, per reference (b), the only SPD codes for RIF that qualify for involuntary separation benefits are "LCC" and "JCC."

2. PERS-604's point of contact is MM1 Jones who can be reached at (DSN) 882-4245 or (C) 901-874-4245.

  
T. J. CERAK  
Captain, U.S. Navy  
Director, Navy Drug & Alcohol  
Fitness, Education, &  
Partnerships Division (P)